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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,361	03/31/2004	Michael Cosci		8299

7590 06/08/2005
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EXAMINER

OLSON, JASON C

ART UNIT PAPER NUMBER

2651

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/815,361	Applicant(s) COSCI ET AL.	
	Examiner Jason C. Olson	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/08/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candela

Instruments (<http://www.candela-inst.com>) and the applicant admitted prior art.

Regarding claim, the applicant admitted prior art teaches writing a set of servo tracks on the magnetic disk, the set of servo tracks including a track zero (see page 1, first paragraph of Background of the Invention of the instantaneous invention. It is obvious to an artisan in the art that any track can be labeled whatever the choice may be by the designer, such as zero. Furthermore, it is obvious to an artisan in the art that any disk that contains servo tracks has a track that is nearest the inner diameter, as described in the specification of the instantaneous invention as track zero). The applicant admitted prior art fails to teach placing the disk on a hub for spinning the disk; spinning the disk at a selected rate; observing the track zero on the magnetic disk using Kerr effect microscopy device; and measuring a first distance from a predetermined point to a first selected point on the track zero. However, Candela Instruments is relied upon to teach placing the disk on a hub for spinning the disk; spinning the disk at a selected rate; observing the track zero on the magnetic disk using Kerr effect microscopy device; and measuring a first distance from a predetermined point to a first selected point on the track

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zero (see product details of the OSA 5120 and as described in the specification of the instantaneous invention starting on page 4, paragraph 3, through page 5. The method described in the specification is a method for using the apparatus OSA 5120). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon servo writing of the applicant admitted prior art by applying the teaching of using the OSA 5120 as described in the specification of the instantaneous invention as taught by Candela Instruments for the purpose of reducing time and expense in an analysis procedure as described by Candela Instruments.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claim 1 above, and further in view of Berger (US 6,624,627).

Regarding claims 2-5, the combination of the applicant admitted prior art and Candela Instruments fail to teach measuring second, third and fourth distances from a predetermined point to a second, third and fourth selected points on the track zero where the selected second point is 90 degrees around the disk from the first selected point, the third selected point is 180 degrees around the disk from the first selected point and the fourth selected point is 270 degrees around the disk from the first selected point and averaging first, second, third and fourth distances to obtain a single measurement indicative of a position of track zero on the magnetic disk. (see col. 3, ln. 52-col. 4, ln. 4 and col. 4, ln. 46-49 and figure 3C, items S1, 208, 202, S2, 210, 204, S3, 212, and 224; track 224 is the innermost track (or track zero) on which measurements are taken at selected points around the track to determine the disk center (or correct track zero) in order to correct track writing. It is interpreted by the examiner that common

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curve-fitting algorithms includes averaging. The placement of the measurement points is given little patentable weight because it is considered mere design choice because no unexpected results occurred). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the inspection process of the combination of applicant admitted prior art and Candela Instruments by applying the teaching of measuring specific points around track zero as taught by Berger for the purpose defining a disk center for correcting track writing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toho Technology Corporation

(http://216.239.39.104/translate_c?hl=en&sl=ja&u=http://www.toho-tec.co.jp/new/candela.html)

is cited for stating the fact the Candela OSA5120 was introduced into the market and readily available to the public before on September 3, 2001. Leigh et al. (US 6,658,922) is cited for optical equipment assemblies and techniques indexed to a common spindle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO
May 31, 2005


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600